

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

DAVID MCCUTCHEON,  
Individually and as representative  
of the requested class.

Plaintiff,

v.

CV 18-1202 MV/JHR

COMMUNICATIONS WORKERS OF  
AMERICA, LOCAL 7076, COMMUNICATIONS  
WORKERS OF AMERICA, and PAMELA D.  
COLEMAN, Director of the State of New  
Mexico State Personnel Office,

Defendants.

**ORDER SETTING CASE MANAGEMENT DEADLINES AND DISCOVERY  
PARAMETERS FOR CLASS CERTIFICATION PHASE**

**THIS MATTER** came before the Court on a Rule 16 scheduling conference held on May 29, 2019. Following a review of the attorneys' Joint Status Report and Provisional Discovery Plan, and after conferring with counsel, the Court will permit the following discovery during the class certification phase of this case:

- a) Maximum of ten (10) Interrogatories per party;<sup>1</sup>
- b) Maximum of ten (10) Requests for Production per party;
- c) Maximum of ten (10) Requests for Admission per party;
- d) Maximum of one (1) deposition per party; and
- e) Depositions limited to seven (7) hours, except by agreement of the parties.

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<sup>1</sup> The Union Defendants agreed to be treated as a single party for the purposes of scheduling at the Rule 16 Scheduling Conference.

Service of interrogatories or requests for production shall be considered timely only if the responses are due prior to the deadline. A notice to take deposition shall be considered timely only if the deposition takes place prior to the deadline.

The Court has set the following management deadlines:

- a) Initial Disclosures related to class certification: June 15, 2019
- b) Plaintiff's deadline to move for class certification: July 1, 2019.
- c) Deadline for Plaintiff to move to amend pleadings/ add additional parties<sup>2</sup>: July 31, 2019
- d) Deadline for Defendants to move to amend pleadings/add additional parties<sup>2</sup>: August 30, 2019
- e) Discovery related to class certification: August 30, 2019
- f) Defendants' deadline to respond to Plaintiff's Motion for class certification: August 30, 2019
- g) Defendants' non-evidentiary dispositive motions due: August 30, 2019
- h) Discovery motions due: September 6, 2019
- i) Plaintiff's deadline to respond to Defendants' non-evidentiary dispositive motions and reply in support of his Motion for class certification: November 1, 2019
- j) Defendants' Replies in support of non-evidentiary dispositive motions due: November 27, 2019

Pursuant to Federal Rule of Civil Procedure 16(b)(3)(B)(v), "before moving for an order relating to discovery, the movant must request a conference with the court" to attempt to informally resolve the dispute. Discovery motions that fail to conform to this requirement may

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<sup>2</sup>Federal Rule of Civil Procedure 16 requires that the Court set a deadline for amendment of pleadings and joinder of parties. A party seeking to amend the pleadings after the above dates must both demonstrate good cause to amend the scheduling order as required by Federal Rule of Civil Procedure 16(b) and satisfy the requirements for amendment under Federal Rule of Civil Procedure 15(a). See, e.g., *Gorsuch Ltd., B.C. v. Wells Fargo Nat. Bank Ass'n*, 771 F.3d 1230, 1242 (10th Cir. 2014).

be summarily denied. Any extension of the case management deadlines must be approved by the Court. Any requests for additional discovery must be submitted to the Court by motion prior to the expiration of the discovery.



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UNITED STATES MAGISTRATE JUDGE